

DAVID FINK (*pro hac vice pending*)  
 7519 Apache Plume  
 Houston, TX 77071  
 Tel. (713) 729-4991  
 Fax. (713) 729-4951  
 Email: federallitigation@comcast.net

DUNCAN M. MCNEILL (SBN 136416)  
 1514 Van Dyke Avenue  
 San Francisco, CA 94124  
 Tel. (415) 752-5063  
[dmcneill@netzero.net](mailto:dmcneill@netzero.net)

Attorneys for Plaintiff,  
 JAMES B. GOODMAN

Michael J. Bettinger (State Bar 122196)  
 Timothy P. Walker, Ph.D. (State Bar 105001)  
 K & L Gates  
 55 Second Avenue, Suite 1700  
 San Francisco, CA 94105  
 Tel. (415) 882-8200  
 Fax. (415) 882-8220

[mike.bettinger@klgates.com](mailto:mike.bettinger@klgates.com)  
[timothy.walker@klgates.com](mailto:timothy.walker@klgates.com)

Attorneys for Defendant  
 ETRON TECHNOLOGY AMERICA, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

JAMES B. GOODMAN,  
 Plaintiff,

v.

ETRON TECHNOLOGY AMERICA,  
 INC.  
 Defendant.

CASE NO. CV-08-00995 PJH

**STIPULATED CONDITIONAL  
 DISMISSAL**

The Honorable Phyllis J. Hamilton

James B. Goodman and Etron Technology America, Inc. through their respective attorneys, hereby file this stipulated conditional dismissal.

The parties, in good faith, agree and believe that an agreement in principle has been reached, and will be put into written form within thirty (30) days.

Therefore, in an effort to minimize judicial resources and to minimize the expenses and costs to the parties, it is hereby stipulated that:

1. This action be conditionally dismissed without prejudice for thirty (30) days of the Order signed by the Court, each party bearing its own fees and

1 costs.

2 2. During the aforementioned thirty (30) day period, either party may request  
3 the Court to reopen the case.

4 3. If, after the expiration of the aforementioned thirty (30) day period, no  
5 party has submitted a request to reopen to the Court, then it is hereby  
6 stipulated that this case be dismissed with prejudice, each party to bear its  
7 own fees and costs.

8 For the foregoing reasons, the parties request the Court to accept this Stipulation  
9 and the proposed Order submitted herewith.

10

11 Date: August 19, 2008

/s/  
\_\_\_\_\_  
DAVID FINK  
Attorney for James B. Goodman

13

14 Date: August 19, 2008

/s/  
\_\_\_\_\_  
MICHAEL J. BETTINGER  
Attorney for Etron Technology America, Inc.

15

16

17 IT IS SO ORDERED:

18

19

20 Date:

\_\_\_\_\_  
Phyllis J. Hamilton  
U.S. District Court Judge

21

22

23

24

25

26

27

28

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, David Fink, attest that concurrence in the filing of this document has been obtained from the other signatory. I declare, under penalty of perjury, under the laws of the United States of America that the foregoing is true and correct. Executed August 19, 2008 at Houston, TX.

/s/\_\_\_\_\_

David Fink